

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RAYMOND A. VEZINA,

Plaintiff,

Case Number 03-40280-NMG

v.

DEPARTMENT OF THE ARMY,
ET AL,

Defendants.

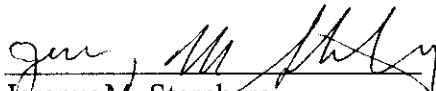
DEFENDANTS' MOTION TO DISMISS

Defendants, Department of the Army and Secretary of the Army, hereby move to dismiss plaintiff's claims pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction. As set forth more fully in the accompanying Memorandum of Law filed herewith, this Court lacks jurisdiction over the claims asserted by the plaintiff for, among other things, military back pay. Under the Tucker Act, the United States has waived sovereign immunity to such claims only in the United States Court of Federal Claims.

WHEREFORE, Defendants request that this Court grant their motion to dismiss and dismiss plaintiff's complaint in its entirety.

Respectfully submitted,
MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

By:

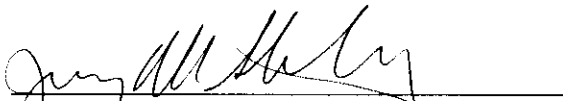

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was mailed this 15th day of April, 2004, to Neil Berman, Berman & Shapiro, 109 College Avenue, Somerville, MA 02144


Jeremy M. Sternberg
Assistant U.S. Attorney